

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

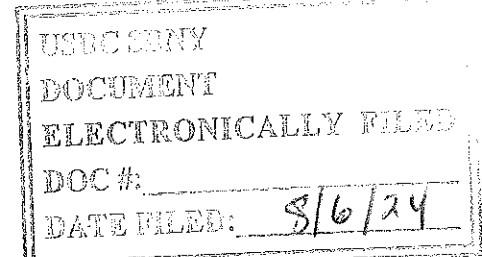
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UNITED STATES OF AMERICA,

Government,

- against -

WILFREDO ROSADO,

Defendant.  
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21-Cr-516 (RMB)

**ORDER**

By letter dated July 18, 2024, the Defense requests that the Court adjourn the sentence until after November 1, 2024, when new amendments to the sentencing guidelines will go in effect. Defense counsel states: “The prospective amendments amend the Guidelines Manual to address the use of acquitted conduct for purposes of determining the guidelines at sentencing. The new U.S.S.G. § 1B1.3(c) is expected to provide that relevant conduct does not include conduct for which the defendant was criminally charged and acquitted in federal court, unless such conduct also establishes, in whole or in part, the instant offense of conviction.” And, defense counsel notes that in the instant case, the Defendant was acquitted at trial of two counts.

By letter dated July 26, 2024, the Government opposes an adjournment because “the Government does not intend to ask the Court to adopt a Guidelines range based on acquitted conduct.”

While the Court is not convinced that the proposed amendments will affect (or impact) the Defendant’s guideline range at sentencing, the Court will nevertheless grant an adjournment of the sentence in order for the Probation Department to be able to update the Presentence Investigation Report (“PSR”) taking into account the amendments effective November 1, 2024.

The Court is directing Probation to update the PSR by November 6, 2024. Any submissions from counsel based upon the updated PSR are due on or before November 12, 2024.

The sentence is adjourned to November 19, 2024 at 11:30 am, Courtroom 17 B.

Dated: New York, New York  
August 6, 2024

A handwritten signature in black ink, appearing to read 'RMB', is positioned above a horizontal line.

**RICHARD M. BERMAN, U.S.D.J.**